

## **REMARKS**

This response is a submission under 37 CFR § 1.114 in connection with a Request for Continued Examination (RCE).

In the Office Action, Applicant's arguments against the 35 U.S.C. § 102(b) rejections of claims 1 and 34, and against the 35 U.S.C. § 103(a) rejections of claims 2-21, 35 and 36, were deemed persuasive. As a result, the § 102(b) and § 103(a) rejections were withdrawn, and no § 102 and § 103 rejections are presented in the Office Action. Claims 1-21 and 34-36 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant traverses the rejections as follows.

### **35 U.S.C. § 101 Rejections**

Claims 1-21 and 34-36 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

A process claim satisfies § 101 if: 1) it is tied to a particular machine or apparatus, or 2) it transforms a particular article into a different state or thing. *In re Bilski*, 545 F.3d 943, 954 (Fed. Cir. 2008). Mere field of use limitations are generally not sufficient to render an otherwise ineligible process claim patent eligible, and insignificant postsolution activity will not transform an unpatentable principle into a patentable process. *Id.* at 957.

Claim 1 of the present application, as amended, is tied to a particular machine, namely an "electronic automated banking system." Support for amended claim 1 is found, for example, at paragraph [0028] and FIG. 3 of the specification as filed.

Electronic automated banking systems are known and clearly qualify as a “particular machine or apparatus” as set forth in the Federal Circuit’s *Bilski* decision. Electronic automated banking systems such as, for example, the Fedwire funds transfer system and the Clearing House Interbank Payments System, or “CHIPS,” include processor-based host computers and other electronic equipment through which electronic banking transactions are effected. See, e.g., *Fedwire Funds Transfer System, Assessment of Compliance with the Core Principles for Systemically Important Payment Systems, Revised March 2009* at pages 7-9 and 35-36, attached at Appendix A hereto, and *Federal Reserve Banks Operating Circular No. 5, Electronic Access, Effective March 15, 2006*, attached hereto at Appendix B.

Additionally, the recitation of an “electronic automated banking system” is not merely a field of use limitation to limit use of an otherwise ineligible process to a particular technological environment. To the contrary and as discussed above, claim 1 is tied to a particular machine or apparatus (*i.e.*, an electronic automated banking system) and therefore does not pre-empt all uses of a fundamental principle in any field. See *id.*

Moreover, the above-recited steps performed by the electronic automated banking system do not constitute “insignificant postsolution activity.” Indeed, claim 1 recites the use of an electronic automated banking system for implementing integral portions of a method that the Office has acknowledged is patentably distinguishable from previously applied art (*i.e.*, U.S. patent application Pub. No. 2002/016970 to Chittenden).

For at least the reasons set forth above, it is submitted that amended claim 1 is patent eligible under § 101.

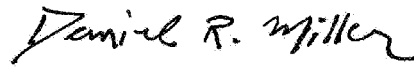
Independent claims 15 and 34 have been amended in a manner analogous to that of claim 1, and for reasons identical to those cited above, it is submitted that amended claims 15 and 34 are patent eligible under § 101.

### **Conclusion**

Applicants respectfully submit that all of the claims presented in the present application, as either amended or initially presented in this Amendment, are in condition for allowance. Applicants' present Amendment should not in any way be taken as acquiescence to any of the specific assertions, statements, etc., presented in the Office Action not explicitly addressed herein. Applicants reserve the right to address specifically all such assertions and statements in subsequent responses. In addition, applicants reserve the right to make additional arguments as may be necessary to distinguish further the dependent claims from the cited reference based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences discussed above with respect to the independent claims.

Applicants have made a diligent effort to properly respond to the Office Action and believe that the claims are in condition for allowance. If the Examiner has any remaining concerns, the Examiner is invited to contact the undersigned at the telephone number set forth below so that such concerns may be expeditiously addressed.

Respectfully submitted,



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